
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<p>QUINTIN DROLLINGER, Plaintiff, v. DAVID RICHARDS, and AYMEE RICHARDS, Defendant.</p>	<p>REPORT AND RECOMMENDATION Case No. 2:15-cv-00660-RJS-DBP District Judge Robert J. Shelby Magistrate Judge Dustin B. Pead</p>
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This matter was referred to the court under 28 U.S.C. § 636(b)(1)(B). (ECF No. 4.) On September 15, 2015, the Court granted Plaintiff's motion to proceed in forma pauperis and Plaintiff's complaint against Defendants was filed. (ECF Nos. 2–3.) Pursuant to the text of Federal Rule of Civil Procedure 4(m)¹ at the time the complaint was filed, Plaintiff should have served Defendant with a summons and complaint within 120 days of filing the complaint. To date, more than 120 days passed since Plaintiff filed his complaint, but Plaintiff has not provided the court with proof of service on Defendants. *See* Fed. R. Civ. P. 4(l)(1).

On December 2, 2016, the court ordered Plaintiff to show cause why this action should not be dismissed for failure to prosecute based on the above facts. (ECF No. 5.) The court warned Plaintiff that failure to respond would result in dismissal of this case. (*Id.*) Plaintiff did not respond to the court's order.

¹ Rule 4(m) currently allows only ninety days for service of a summons and complaint. *See* Fed. R. Civ. P. 4(m).

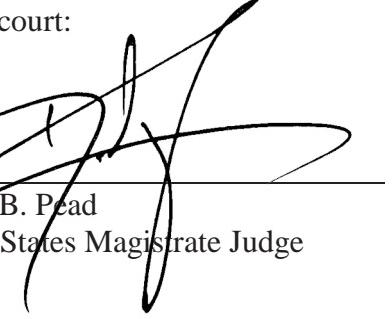
RECOMMENDATION

Based on Plaintiff's failure to prosecute this case, the court **RECOMMENDS** the District Court **DISMISS** this case without prejudice.

Copies of the foregoing Report and Recommendation are being sent to all parties who are hereby notified of their right to object. Within **fourteen (14) days** of being served with a copy, any party may serve and file written objections. *See Fed. R. Civ. P. 72(b)(2).* Failure to object may constitute a waiver of objections upon subsequent review.

Dated this 20th day of December 2016.

By the court:



Dustin B. Pead
United States Magistrate Judge